

3. This case involves an amount in controversy exceeding the excess of the jurisdictional limit set in the Circuit Court for the State of Missouri. Plaintiffs do not specify an amount of damages they are seeking in their Petition; however, a defendant may remove a suit to federal court notwithstanding the failure of a plaintiffs to plead a specific dollar amount in controversy. See *e.g., Synergetics, Inc. v Hurst*, 333 F.Supp.2d 841, 843 (E.D. Mo. 2004). Where, as here, a plaintiff alleges no specific amount of damages, a removing defendant may prove by a preponderance of the evidence that the amount in controversy exceeds the jurisdictional minimum. See *In Re Minn. Mut. Life Ins.Co. Sales Practices Litig.*, 346 F.3d 830, 834 (8th Cir.2003); *accord Abrego v Dow Chemical Co.*, 443 F3d 676, 683 (9th Cir.2006). In determining the amount in controversy, a court may look beyond the complaint to determine whether the amount in controversy is met. See *In Re Minn. Mut. Life Ins. Co. Sales Practices Litig.*, 346 F.3d at 834, *see also Synergetics, Inc.*, 333 F. Supp.2d at 843. Here, plaintiffs have represented to the undersigned counsel that plaintiff Roberta Haney has significant injuries, including but not limited to a severely comminuted fracture of both her tibia and fibula resulting in what is referred to as a tibial pilon fracture and have demanded an amount significantly above the jurisdiction requirement.

4. All process, pleadings and other documents received by Defendant is attached. The Petition is attached hereto as Exhibit A and the Civil Cover Sheet is attached hereto as Exhibit B.

5. The Notice of Removal is timely pursuant to 28 U.S.C. § 1446.

6. Based upon the foregoing, Defendant is entitled to remove this action from state court to the United States District Court for The Western District of Missouri pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was sent via email this 18th day of May, 2022 to:

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/s/ Patricia A. Keck
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